

## **Washington County Land Use Authority Meeting August 14, 2012**

The Washington County Land Use Authority Meeting was held Tuesday, August 14, 2012 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened at 1:30 p.m. by Chairman Doug Wilson.

Commissioners present: Deborah Christopher, Dave Everett, Mike Stucki, JoAnn Balen, and Rick Jones.

Excused: Kim Ford and Julie Cropper (alternate).

Staff present: Deon Goheen, Planning & Zoning Administrator; Michelle Mitchell, Deputy Attorney; Doreen Bowers-Irons, Planning Secretary; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Kim Hafen, County Clerk.

Chairman Wilson welcomed and thanked everyone for attending. He asked that cell phones be turned off. He led the Pledge of Allegiance after which, he explained meeting protocol.

**I.      STAFF COMMENTS.** Review staff comments for each item listed below; Staff initiated.

**II.     CHAIR NOMINATIONS.** Annual election for a Chairman and Vice-Chairman to be elected from the appointed members of the Commission by a majority of the total membership; County initiated.

The planner reported that as per the Planning Commission Procedures, the Planning Commission should elect a Chairman and Vice-Chairman, during the first regularly scheduled meeting in August. The Chairman will be elected from the duly appointed members of the Commission by a majority of the total membership. Both Chairman and Vice-Chairman may be elected to subsequent terms. She asked the commission to proceed with the election.

**Motion:   Commissioner Everett MOVED to reappoint Commissioner Doug Wilson as Chairman for the upcoming year. Commissioner Stucki SECONDED. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all five (5) voting in favor.**

**Motion:   Commissioner Stucki MOVED to reappoint Commissioner Ford as Vice-Chairman for the upcoming year. Commissioner Balen SECONDED. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all five (5) voting in favor.**

**III.     CONDITIONAL USE PERMIT REVIEW.** Review of Motocross and ATV Track within the OST-20 zone, containing 20 acres, a portion of Section 15, T39S, R16W, SLB&M, generally located east of Hwy. 18 on North Baker Lake Road and 300 East in Central; Robert and Mary Houston, applicants and Gary Simonson, agent. (*Tabled July 10, 2012*)

The planner reported this item was tabled previously due to a lack of representation. This item was granted permanent status on June 14, 2011, although, with two events being held on two weekends in June, the planning office received several complaints on noise, dust, motor homes, and travel trailers spending the weekend and no EMS service at the track. There were several instances where EMT's or ambulance service was needed. Staff reviewed the complaints and felt the solution to this problem would be for further planning review to see if more restrictions should be placed on the track, or a reminder of what was previously approved, or to shut down operations. She reviewed the areas where the event took place outside of the approved site plan.

The planner and commission discussed the options for the conditional use permit. They clarified the original conditions of the permit, zoning, and surrounding areas along with the complaints.

Gary Simonson and Robert Houston representing the Motocross/ATV track addressed the Commission. Mr. Simonson stated the race that was held where the motor homes and travel trailers stayed for the weekend was a national circuit race. They utilize water trucks to keep the dust down at the track. However, it turned windy on one of the days and the dust from the whole area kicked up. They spoke about the camping and indicated they would like to have on site camping in the future. When people go to rodeos, races, etc. they show up with campers, trailers, and motor homes.

Commissioner Stucki stated he was not surprised by the camping. That is what happens with events like racing, which is the racing culture. There are also trailers, camper, and motor homes even at foot and bicycle races. Some of the trailers carry tools and various needs for the races.

The planner stated camping would be allowed but it would be nice to have the camping area on the site plan.

Chairman Wilson asked about EMS services.

Mr. Simonson stated they had four (4) national certified EMT's who was in attendance all through the racing events. They had one person who was injured and was transported by ambulance that was called in during the race. The insurance company for the promoter did not require an ambulance on site; he was only required to have EMT's on site. In the future, an ambulance will be on site. He would be more comfortable with one there and not having to wait for one.

A discussion regarding Emergency Services, an address for the location, dust, and numbers of entrants in the race took place. There were approximately 448 machines participating in the race. A discussion on the crossing of the Santa Clara River also occurred.

The Commission advised Mr. Simonson and Mr. Houston to revise the site plan to incorporate the other trails that are utilized and that he meet all regulatory conditions for the track.

**Motion: Commissioner Stucki MOVED to recommend the Conditional Use Permit continue and that the applicants submit an amended detailed site plan. That they meet all regulatory conditions and the previous findings of facts and conditions imposed. Commissioner Jones SECONDED. Chairman Wilson called for a discussion on the motion. A short discussion regarding a letter from the State Water Rights Board for the use of the Santa Clara River occurred, which was deemed unnecessary. The motion carried with all five (5) Commissioners voting in favor.**

This item will go to the County Commission on August 21, 2012.

Bill Heller addressed the commission thanking them for being fair to the track. He has seen many tracks closed due to complaints. He appreciated how the commission handled this and worked with the applicants to keep the track open. The applicants do a great job maintaining the track. This is a great sport to get people involved in.

Mr. Simonson stated he has a race coming up the first of the month and asked how to proceed. A short discussion took place on the upcoming race. The County Commission will make the decision on their next agenda if the applicant gets the information submitted to the County before the meeting.

**IV. CONDITIONAL USE PERMIT EXTENSION.** Review extension on permission to construct and operate an asphalt plant, within the I-1 zone, Section 1, T40S, R13W, SLB&M, generally located near Pintura; SUNROC/Russell Leslie, applicant. (*Tabled July 10, 2012*)

The Planner reported the applicant was not able to attend the previous meeting and asked that this item be tabled. This will be the 5<sup>th</sup> extension of the conditional use for an asphalt plant on 31.5 acres near Pintura. This year's review may include a temporary site plan/use for construction on Interstate 15, as they used the same temporary facility previously. The County Commission approved the I-1 zone change on the 6<sup>th</sup> of March and the CUP on March 27, 2007 (*County Code 10-12-3*). Prior to receiving a building permit on the permanent facility, the Planning Commission will have to grant Site Plan Approval (*County Code 10-12-4: D*), and at that time, the Commission will need to review Title 10-12-5: Special Provisions, which may need to be considered with the Conditional Use Permit or Site Plan Approval. Access for haul trucks would be from the Browse Exit on I-15, with ingress and egress from an existing County Road and a private easement, which was installed when the temporary plant operation was approved several years ago. The motion in 2007 was as follows: ***"...to recommend approval of the Conditional Use Permit, for a period one (1) year, subject to site plan approval. The one year will begin at the time of activation, with no activity allowed beforehand."***

Commissioner Stucki and the planner discussed the asphalt plant where Commissioner Stucki asked for minor clarifications on the plant that will be constructed.

Commissioner Everett asked about the road requirement that was placed on the original conditions and if it was completed. The planner answered it was completed and is being utilized. A short discussion on the access roads occurred.

Dana Truman representing SUNROC stated the road was constructed and being used to access the plant. Currently, the asphalt plant is not there. It is a temporary plant being used elsewhere. However, they do want to keep the option as they are not prepared at this time to build the permanent facility, due to the economy but plan to construct the plant in the future.

Chairman Wilson asked if there had been any complaints. The planner reported there had not been.

Commissioner Everett thanked the applicant for being so cooperative and in keeping their projects in good standards. Commissioner Balen concurred stating that SUNROC leaves their sites better than they were originally.

**Motion:** Commissioner Stucki **MOVED** to recommend the County Commission approve the Conditional Use Permit Extension to construct and operate an asphalt plant, within the I-1 zone, Section 1, T40S, R13W, SLB&M, generally located near Pintura; SUNROC/Russell Leslie, applicant with the conditions and findings of facts of the original approval. Commissioner Balen **SECONDED**. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all five (5) voting in favor.

This item will go to the County Commission on August 21, 2012.

**V. CONDITIONAL USE PERMIT EXTENSION.** Review extension of a gravel crushing operation located in a portion of Section 1, T40S, R13W, SLB&M, generally located in Washington County near Pintura; SUNROC/Dana Truman, applicant. (*Tabled July 10, 2012*)

The planner said again, the applicant was not able to attend the previous meeting and asked that this item be tabled. In 2008, the first contract with UDOT for improvements to I-15 was fulfilled and there have been two more contracts since then. This is the 4<sup>th</sup> annual review, plus two 90 day reviews in the beginning, for the crushing operation that the County Commission approved within the OST-20 zone. Access for haul trucks runs from the Browse Exit on I-15, with ingress and egress from an existing County frontage road and a private easement. The commission addressed the following issues as a part of their previous motion in 2007: ***"...hours of operation from 4:00 a.m. to 10:00 p.m., noting that the applicant will work in concert***

*with the adjoining I-1 zone for sanitary and waste disposal, and other support for employees. Also noting, that if the crusher is moved from Phase 1 on the site plan to phase 2, an additional Conditional Use Permit will be required, that the property will be properly signed for safety with relationship to access, and that a stop sign will be installed as entering from the property to the frontage road.”*

Dana Truman representing SUNROC was in attendance. There was no discussion on the item.

**Motion: Commissioner Balen MOVED to recommend the County Commission approve the Conditional Use Permit Extension to construct and operate a gravel crushing operation within the I-1 zone Section 1, T40S, R13W, SLB&M, generally located near Pintura; SUNROC/Dana Truman, with the conditions and findings of facts on the original approval. Commissioner Everett SECONDED. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all five (5) voting in favor.**

This item will go to the County Commission on August 21, 2012.

**VI. CONDITIONAL USE PERMIT EXTENSION.** Review extension on an Ultra-marathon event, Red Mountain 50K, which begins west of Central on dirt roads and runs south of Red Butte to Gunlock, then on the Shivwits Reservation along old Hwy. 91 to Ivins, Scheduled for April 27, 2013; Red Mountain Running LLC/Jeremy Frehner, applicant.

The Planner reported the applicant had been in attendance during the last meeting but was unable to stay for the extended session on the GEM Mine, and asked that the Commission approve the extension or table the request until he was able to attend the next meeting, which they did. This will be the 4<sup>th</sup> extension on the Red Mountain 50K to be held in April 2013. This is an Ultra-marathon event 50K, which has approximately two hundred fifty (250) attendees listed under their special event coverage. The run begins west of Central on dirt roads and runs south of Red Butte to Gunlock, past the reservoir and through the Shivwits Indian Reservation and on to Unity Park in Ivins. As previously reported, the applicant has obtained letters from the Public Works Department, BLM, and the County Sheriff. The Shivwits Indian Representative granted approval for crossing the reservation. The County would want to continue to be listed as a beneficiary on the liability insurance policy, review communication and emergency access.

Jeremy Frehner reported on last year's race. He and the Commission discussed participation in the race and advertising. Mr. Frehner stated he advertises in various magazines and businesses. However, he cannot advertise in St. George because it is not a St. George sponsored event. They remove the signs when they are posted and let him know he cannot advertise in the city. He reported on the mileage and number of participants in the race noting they come from all over bringing revenue into the County, especially St. George. They get less than 20 participants from the area.

A short discussion regarding advertising took place.

Chairman Wilson asked to be excused for a few minutes and turned the floor over to Commissioner Stucki. After a few brief comments Chair Pro Tem Stucki called for a motion.

**Motion: Commissioner Balen MOVED to recommend the County Commission approve the Conditional Use Permit Extension on an Ultra-marathon event, Red Mountain 50K, which begins west of Central on dirt roads and runs south of Red Butte to Gunlock, then on the Shivwits Reservation along Old Hwy. 91 to Ivins, Scheduled for April 27, 2013; Red Mountain Running LLC/Jeremy Frehner. Commissioner Everett SECONDED. Chair Pro Tem Stucki called for discussion on the motion. A short discussion with clarification on the wording of the motion took place. The motion carried with all five (5) Commissioners voting in favor.**

This item will go to the County Commission on August 21, 2012.

Chairman Wilson returned and took back over the meeting.

**VII. CONDITIONAL USE PERMIT EXTENSION.** Review an extension for the “Red Rock Relay Race” from Brian Head to SR-18 near Enterprise, Veyo, through St. George and other communities then to SR-9, ending at Zion National Park, Saturday, September 8, 2012, within the county unincorporated areas; Tim Collings, applicant.

The planner reported this is the 3<sup>rd</sup> extension review for the two (2) day event sponsored by Tim Collings/Red Rock Relay to be held on September 8, 2012 and ending at Zion's on the 10<sup>th</sup>. This is a 12 man team event that covers 180 miles from Brian Head Resort and finishes at Zion National Park. There may be as many as 250 teams. The route has been changed to SR-18. The applicant will need an updated liability insurance policy in place, listing Washington County as a beneficiary. The Washington County Sheriff's Department is aware of the event and working with the applicant on schedules. Mr. Collings is present to update the Commission on the previous event. She noted there were no complaints on the race.

Commissioner Everett asked about an event calendar. The Planner stated it had been done and she would provide the Commission the information.

Tim Collings, Race Director reported there are no changes to the race this year. The race last year was a success and there were no complaints.

Mr. Collings and the Commission discussed the event which, included how the race takes place, the number of teams and racers, the miles the racers run, advertising, and various other technical items related to the race.

**Motion:** Commissioner Stucki **MOVED** to recommend the County Commission approve the Conditional Use Permit Extension for the Red Rock Relay Race” from Brian Head to SR-18 near Enterprise, Veyo, through St. George and other communities then to SR-9, ending at Zion National Park, Saturday, September 8, 2012, within the County Unincorporated areas; Tim Collings, applicant with the previous findings of facts and conditions. Commissioner Christopher **SECONDED**. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all five (5) Commissioners voting in favor.

This item will go to the County Commission on August 21, 2012.

**VIII. CONDITIONAL USE PERMIT EXTENSION.** Review extension to locate a temporary batch plant and job site trailers within the OSC-20 zone, for the expansion of the Red Butte Substation on Forest Service land near Central; Schmidt Construction, applicant

The planner stated this is an automatic annual review. The applicant made a new application for a temporary batch plant on the site to facilitate a continuing job for the Forest Service at the Pine Valley Camp Grounds and a future bid going out on the 2<sup>nd</sup> phase of the Pacific Corp. (Rocky Mountain Power) Red Butte Substation near Central. As previously reviewed, they may haul gravel to this site from their pit in Iron County or utilize product from the Carl Bowler pit near Veyo if it does not have any clay. The Forest Service will provide a new letter on this project, which is available. The commission needs to review this use conditionally within the OSC zone as being a use similar to the conditional uses and in harmony with the character and intent of the zone (*10-6A-3 County Code*). The applicant previously submitted permits from the Forest Service, Utah State Department of Air Quality, and OSHA Certification. The site will have a couple of job site trailers, two port-a-potties, and the batch plant outside the perimeter of the substation site. She provided a site map of the project.

Phil Schmidt stated the Pine Valley Campground project was completed. However, Rocky Mountain Power has another phase that was pushed back a year. He explained the upcoming project. They would like to keep the permit open for the upcoming project.

Commissioner Stucki and Everett asked a few questions for clarification on the permit that the planner answered.

**Motion:** Commissioner Everett **MOVED** to recommend the County Commission approve the Conditional Use Permit Extension to locate a temporary batch plant and job site trailers within the OSC-20 zone, for the expansion of the Red Butte Substation on Forest Service land near Central; Schmidt Construction, applicant. Commissioner Stucki **SECONDED**. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all five (5) Commissioners voting in favor.

This item will go to the County Commission on August 21, 2012.

**IX. PROCEDURES & RULES OF ORDER.** Annual review of Planning Commission Procedures and Rules of Order; County initiated.

The planner informed the commission that for insurance purposes, the Planning Commission needs to review their Procedures and Rules of Order as part of an ongoing education program, which will benefit the County. She asked if there were any questions or concerns that needed to be addressed.

After a short discussion and verification on advertising the commission decided they would like to keep the Procedures and Rules of Order as is.

**Motion:** Commissioner Stucki **MOVED** to accept the Procedures and Rules of Order as is currently in place. Commissioner Everett **SECONDED**. Chairman Wilson called for discussion on the motion. There was none and the motion carried with all five (5) Commissioners voting in favor.

**X. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on July 03, 2012; County initiated.

The Planner reviewed the decisions of the Land Use Authority Staff Meeting held June 03, 2012 as reported below.

**ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING**

**August 7, 2012**

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Darwin Hall and Blair Gubler, Ash Creek Special Service District; Becky Marchal, Questar Preconstruction Specialist; Director Paul Wright, Department of Environmental Quality; and Robert Beers, Southwest Utah Public Health Department.

Excused: Ron Whitehead, Public Works; Eric Clarke, Deputy Civil Attorney; Kurt Gardner, Building Official; and Tina Esplin, Washington County Water Conservancy District.

**CONDITIONAL USE PERMIT EXTENSION:**

**A. Review extension on a single family dwelling within the OST-20 zone, Section 29, T38S, R14W, SLB&M, generally located northeast of Pine Valley. Ron Rencher, applicant.**

This is the 7th annual review, with the applicant actually living out of State eight (8) months out of the year; it has been difficult to get to the point of construction. Previously the applicant installed over 1,000 feet of water line, rebuilt the fence and keeps the pasture watered during the summer. The power, water tank, and septic were installed. This area is seasonal in nature, so there are probably 4 months out of the year that an individual could build. Records show that no permit has been issued as yet. Previously, Mr. Rencher indicated that most of the prep work is finished and he will obtain the building permit next season. **The staff granted approval of the Conditional Use Permit extension with the stipulation that the use is brought back for review when activity takes place during the building permit process; whereas this area is seasonal in nature and the initial work that went into applying for the conditional use should be enough to keep the use active.**

**B. Review permission for an accessory dwelling (garage) within the FR-13.5 zone at Mountain View Estates - Phase 3, Lot 5 in Pine Valley. Dallin and Julie Nielsen, applicants.**

This is an automatic annual review. Previously, the applicant came forward to resolve a problem created by the previous owner who did not obtain permits for the casita attached to the garage. With the addition of fire wall and enlargement of a window this unit would meet the requirements for living quarters. The applicant met the requirements for the Conditional Use Permit by submitting a site plan, floor plan, and a letter from the Southwest Utah Public Health Department on the existing septic system. Accessory dwellings are conditionally approved within the FR-13.5 zone. The property is located at 227 South and accessed from Brookside Dr., generally located east of Pine Valley. The original site plan met all setback requirements. The permit (#6292) was issued and final occupancy was granted on January 23, 2012. **The staff granted approval of the Conditional Use Permit for a accessory dwelling on a permanent basis.**

**C. Review for an accessory dwelling (casita) within the RA-1 zone at Adobe Hills, lot 111, located at 4582 S 1500 West, Hurricane, Utah. Arlene Regos, applicant.**

This is an automatic annual review. Previously, the applicant requested an accessory dwelling within a garage structure, which is located at 4582 S 1500 West, at Adobe Hills south of Hurricane. The applicant submitted a site plan and a floor plan will be reviewed by the building staff, with a file copy submitted for the planning file. The contractor indicated they submitted testing for 7 bedrooms, instead of the 3 noted on the septic permit. The staff indicated that with the correction in labeling a home office in the guest quarters as storage and obtaining a new septic permit, they would approve this subject to. This meets the criteria set forth for accessory dwelling units and the casita portion is less than 900 square feet. The permit (#6290 and 6291) was issued and sheet rock inspection was completed on May 23, 2012, with lath still in progress. **The staff decided to approve the Conditional Use Permit extension for the period of one (1) year.**

**A. Single Family dwelling within the A-20 zone near New Harmony. Garth Frehner, applicant.**

Staff reviewed the building violation and determined that the owner would have to submit plans for review and outdoor toilets are not allowed by the Southwest Utah Public Health Department. Robert Beers, Director of SUPHD, indicated they may not be able to approve this type of system. Darwin Hall, Ash Creek Sewer District, indicated their board has approved holding tanks. No action was taken on this item.

Staff reviewed five (5) Conditional Use Permit Extensions to be reviewed by the Planning Commission on their regular agenda. Planning Procedures and Rules of Order will be reviewed.

**XI. MINUTES.** Consider approval of the minutes of the regular Planning Commission meeting held July 10, 2012.

The commission reviewed the minutes.

**Motion:** Commissioner Christopher **MOVED** to adopt the minutes of July 10, 2012 as written. Commissioner Balen **SECONDED**. Chairman Wilson called for discussion on the motion. There was none and the motion passed with five (5) commissioners voting aye.

**XII. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items; County initiated.

The Planner reported there were no actions taken on planning items by the Washington County Commission during their last meeting. They will take action on the items from the July 10, 2012 meeting on August 21, 2012 at 4:00 p.m.

**XIII. COMMISSION & STAFF REPORTS.** General reporting on various topics; County initiated.

No reports were made.

Motion was made by Commissioner Balen to adjourn the meeting at 3:00 p.m.

---

Doreen Bowers-Irons  
Planning Secretary

Approved: 11 September 2012